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HOUSE RESEARCH ORGANIZATION

daily floor report

Wednesday, May 12, 2021
87th Legislature, Number 55
The House convenes at 10 a.m.
Part Two

The bills and joint resolutions analyzed or digested in Part Two of today's *Daily Floor Report* are listed on the following page.

Analyses of postponed bills and all bills on second reading can be found online at TLIS, CapCentral, and at https://hro.house.texas.gov/BillAnalysis.aspx.

Alma Allen
Chairman
87(R) - 55

HOUSE RESEARCH ORGANIZATION

Daily Floor Report
Wednesday, May 12, 2021
87th Legislature, Number 55
Part 2

SUBJECT: Creating the offense of solicitation of prostitution

COMMITTEE: Criminal Jurisprudence — favorable, without amendment

VOTE: 9 ayes — Collier, K. Bell, Cason, Cook, Crockett, Hinojosa, A. Johnson, Murr, Vasut

0 nays

WITNESSES: For — Jamey Caruthers, Children at Risk; Joseph Scaramucci, McLennan County Sheriff's Office; Bekah Charleston; Linda Foos; Allison Franklin; (*Registered, but did not testify*: Krista Piferrer, BCFS Health and Human Services; Chara McMichael, BCFS Health and Human Services Human Trafficking Interdiction; Justin Wood, Children's Advocacy Centers of Texas; Frederick Frazier, Dallas Police Association and FOP716 State FOP Director; James Parnell, Dallas Police Association; Jessica Anderson, Houston Police Department; Laura Nodolf, Midland County District Attorney's Office; Jimmy Rodriguez, San Antonio Police Officers Association; Katherine Strandberg, Texas Association Against Sexual Assault; John Wilkerson, Texas Municipal Police Association;)

Against — None

On — Cara Pierce, Office of the Attorney General; Kyle Matheson, Texas Department of Public Safety; (*Registered, but did not testify*: Thomas Parkinson)

BACKGROUND: Under Penal Code sec. 43.02(a), a person commits the offense of prostitution if the person knowingly offers or agrees to receive a fee from another to engage in sexual conduct. Such conduct is categorized as a class B misdemeanor (up to 180 days in jail and/or a maximum fine of $2,000), unless certain circumstances exist increasing the penalty to a class A misdemeanor (up to one year in jail and/or a maximum fine of $4,000) or to a state-jail felony (180 days to two years in a state jail and an optional fine of up to $10,000).

A person also commits the offense of prostitution under sec. 43.02(b) if the person knowingly offers or agrees to pay a fee to another person for the purpose of engaging in sexual conduct with that person or another. Such conduct is categorized as a class A misdemeanor, except that the offense is:

- a state-jail felony if the actor has previously been convicted of an offense under sec. 43.02(b); or
- a second-degree felony (two to 20 years in prison and an optional fine of up to $10,000) if the person with whom the actor agrees to engage in sexual conduct is younger than 18, represented to the actor as being younger than 18, or believed by the actor to be younger than 18.

DIGEST:

HB 2795 would create the offense of solicitation of prostitution by specifying that certain conduct currently constituting the offense of prostitution would constitute the new offense, which would be subject to an increased penalty. The offense of prostitution would be narrowed to a person knowingly offering or agreeing to receive a fee from another to engage in sexual conduct and would be subject to existing penalties.

Solicitation of prostitution. A person would commit solicitation of prostitution if the person knowingly offered or agreed to pay a fee to another person for engaging in sexual conduct with that person or another.

Penalties. Such conduct under the created offense would be increased from a class A misdemeanor to a state-jail felony, except that the conduct would be:

- increased from a state-jail felony to a third-degree felony (two to 10 years in prison and an optional fine of up to $10,000) if the actor had previously been convicted of the offense; or
- a second-degree felony if the person with whom the actor agreed to engage in sexual conduct was younger than 18, represented to the actor as being younger than 18, or believed by the actor to be younger than 18.

Enhanced penalties. A conviction of solicitation of prostitution could be used to enhance penalties under the bill's provisions or under Penal Code provisions governing exceptional sentences, but not under both.

For enhancement purposes, a defendant would be considered to have been previously convicted of solicitation of prostitution or prostitution under Penal Code sec. 43.02(b) as it existed before the effective date of this bill if the defendant was found guilty of the offense or entered a plea of guilty or no contest in return for a grant of deferred adjudication. Such a consideration would apply regardless of whether the sentence for the offense was ever imposed or whether the sentence was probated and the defendant was subsequently discharged from community supervision.

The bill would take effect September 1, 2021, and would apply only to an offense committed on or after the effective date.

SUBJECT: Reimbursing private employers for paid CTE internships

COMMITTEE: International Relations and Economic Development — committee substitute recommended

VOTE: 6 ayes — Button, C. Morales, Beckley, C. Bell, Metcalf, Ordaz Perez

0 nays

3 absent — Canales, Hunter, Larson

WITNESSES: For — Mike Meroney, Texas Association of Manufacturers; Richard Johnson and Erin Valdez, Texas Public Policy Foundation; (*Registered, but did not testify*: Annie Spilman, NFIB; Chris Walters, Texas 2036; Megan Herring, Texas Association of Business; Justin Yancy, Texas Business Leadership Council; Jennifer Fagan, Texas Construction Association; Dana Harris, The Greater Austin Chamber of Commerce; Ashley Harris, United Ways of Texas)

Against — None

On — Mary York, Texas Workforce Commission; (*Registered, but did not testify*: Monica Martinez, Texas Education Agency)

BACKGROUND: High school career and technology education (CTE) courses can connect students with job-related training and postsecondary programs of study. Interested parties contend that allowing schools to use their CTE funding to form partnerships with local nonprofits for paid internships with private employers would help students gain hands-on training and real-world experience.

DIGEST: CSHB 1032 would authorize a school district board of trustees to contract with a community-based organization to encourage private employers to participate with school districts in providing career and technology education (CTE) through paid internship programs. A district could use its Foundation School Program funding for students enrolled in CTE courses to provide funds under such a contract.

A community-based organization would have the Labor Code meaning of a private nonprofit organization, including a development corporation and faith-based organization, that provides for education, vocational education, rehabilitation, job training, or internship services or programs and meets certain IRS requirements. A contract with such an organization could:

- match students in grade 11 or 12 who were participating in a CTE program with paid internships or similar programs provided by private employers; and
- reimburse private employers for all or part of the cost of providing the internships using funds provided to the community-based organization by the district.

A contract would have to :

- require each paid internship or similar program to primarily promote a public purpose of the district relating to CTE;
- include provisions under which the district was granted sufficient control to ensure that the public purpose was accomplished and the district received the return benefit; and
- ensure that each student employed under a paid internship or similar program was paid at least the minimum wage required by law.

Completion of a paid internship or similar program provided under a contract could satisfy a requirement to complete a practicum as part of a school district's CTE program.

The bill would take effect September 1, 2021.

SUBJECT: Creating the Tri-Agency Workforce Initiative of TEA, THECB, and TWC

COMMITTEE: International Relations and Economic Development — committee substitute recommended

VOTE: 6 ayes — Button, C. Morales, Beckley, Canales, Hunter, Larson

0 nays

3 absent — C. Bell, Metcalf, Ordaz Perez

WITNESSES: For — Mark Sherry, Baylor Scott and White Health and Austin Chamber of Commerce; Peter Beard, Greater Houston Partnership; John Hryhorchuk, Texas 2036; Mike Meroney, Texas Association of Manufacturers; Todd Williams, Commit Partnership; (*Registered, but did not testify*: Bryan Hebert, College Board; Mary Lynn Pruneda, Commit Partnership; Daniel Womack, Dow, Inc.; CJ Tredway, IEC of Texas; Brian Yarbrough, JPMorgan Chase Holdings LLC; Dana Harris, Metro 8 Chambers of Commerce and Texas 2050 Coalition; Annie Spilman, NFIB; Patrick Brophey, North Texas Commission; Taylor Sims, Project Lead the Way and WGU Texas; Charles Gaines, Raise Your Hand Texas; Gerald Lee, San Antonio Chamber of Commerce; Jay Brown, Texas Association of Builders; Megan Herring, Texas Association of Business; Lori Henning, Texas Association of Goodwills; Justin Yancy, Texas Business Leadership Council; Erin Valdez, Texas Public Policy Foundation; Jennifer Allmon, The Texas Catholic Conference of Bishops; Ashley Harris, United Ways of Texas)

Against — None

On — Chris Cervini, Austin Community College District; Kerry Ballast, Texas Workforce Commission; (*Registered, but did not testify*: Priscilla Camacho, Alamo Colleges District; Martin Gutierrez, San Antonio Hispanic Chamber of Commerce; Greg Vaughn, Texas Association of Workforce Boards; Jarrad Toussant, Texas Education Agency)

BACKGROUND: Some have called for the Legislature to better align the state's education and workforce systems with current needs to meet workforce demand.

DIGEST: CSHB 3767 would establish the Tri-Agency Workforce Initiative, composed of the Texas Education Agency (TEA), the Texas Higher Education Coordinating Board (THECB), and the Texas Workforce Commission (TWC). The purpose of the initiative would be to:

- coordinate and optimize information and other resources as necessary to align career education and training programs to workforce demands;
- provide residents of Texas with timely and accurate information needed to plan education and workforce pathways; and
- enable local and state policy makers to evaluate the effectiveness of career education and training programs and progress toward the state workforce development goals.

Interagency agreements and staffing. TEA, THECB, and TWC would have to enter into one or more interagency agreements establishing policies and processes for sharing and matching relevant data, cooperatively managing education and workforce information collected by each agency, and coordinating the assignment of staff and other resources to effectuate the state workforce development goals and strategies.

The time spent by an agency, coordinating board, or commission employee in supporting the initiative would not be included in calculating the number of full-time equivalents allotted to each agency.

Quarterly discussions. The commissioner of education, commissioner of higher education, and chair of TWC would have to discuss the work of the tri-agency initiative at least once per quarter. TEA, THECB, and TWC would have to hold an initial discussion by October 1, 2021.

Unified workforce data repository. TEA, THECB, and TWC would have to use the established P-20/Workforce Data Repository as the central repository of career and education data. The agency, coordinating board, and commission would have to regularly review the collected data and incorporate into the repository data determined by the executive officers

of the respective agencies to be integral to the state workforce development goals and strategies.

Where applicable, the agencies comprising the initiative would have to ensure that records deposited in the repository were automatically matched at the student level on a timely basis to ensure that entities authorized to access the repository had timely information to support higher education and workforce application, entry, and success.

State workforce development goals, strategies. The commissioner of education, commissioner of higher education, and chair of TWC jointly would have to develop and post in a prominent location on the initiative's and each respective agency's internet website state workforce development goals and coordinated interagency strategies for achieving those goals. The bill would specify certain requirements for the development of these goals and strategies.

In consultation with employers, the heads of the respective agencies comprising the initiative would have to:

- jointly update the state workforce development goals and strategies at least every four years, or more frequently if needed to reflect available data and circumstances; and
- designate and update every two years a list of career pathways that includes target occupations and critical career pathways.

By June 1, 2022, the agency heads would have to jointly make recommendations regarding the development of a modern and publicly accessible job skills inventory for public and private sector jobs in Texas.

TEA, THECB, and TWC would have to develop the initial state workforce development goals and initial strategies by January 31, 2022, and April 30, 2022, respectively.

Credential library. TEA, THECB, and TWC would have to jointly establish a publicly accessible web-based library of credentials, such as diplomas, certificates, certifications, digital badges, apprenticeships, licenses, or degrees, that were applicable to Texas and Texans. The

credential library would have to be updated at least once per year, and the agencies of the initiative would have to jointly designate a host agency or operating entity for the library. The credential library would have to be developed by September 1, 2022.

Internet-based resources. The agencies comprising the initiative would have to cooperatively establish internet-based resources for the initiative. The resources would have to include a central internet website, a unified dashboard, data on student outcomes disaggregated by demographic information as practicable, guidance on the use of data, and certain tools.

The agencies would have to jointly solicit public comment on the usefulness of the initiative's internet-based resources and, in January of each even-numbered year, publish a summary of the resources.

Student success reporting. TEA, THECB, and TWC would have to coordinate data collection and matching necessary to provide information to each public school and institution of higher education regarding the success of students previously enrolled in a career education and training program offered by the school or institution with respect to critical student outcomes, such as degree and credential completion, employment status and industry of employment, and earnings over time.

In January of each even-numbered year, the heads of the respective agencies comprising the initiative would have to jointly prepare, submit to the Legislature, and post on the initiative's and each respective agency's internet website a report on the impact of career and education training programs on student success and the state workforce development goals.

Opportunity for comment. At least 30 days before finalizing state workforce development goals and strategies or a student success report, TEA, THECB, and TWC would have to jointly post on the initiative's and each respective agency's internet website the proposed goals, strategies, or report and instructions for submitting comment on those items.

Secure portal. For purposes of state and local planning, program evaluation, and continuous improvement of local and regional education and workforce practices, the initiative agencies would have to jointly

establish and support a secure portal through which authorized personnel of approve entities could view and analyze comprehensive longitudinal and the most currently available matched data related to the progress toward meeting state workforce needs.

Employer recognition. Under the bill, the governor could award a Talent for Texas Champions Governor's Award to recognize leading employers in the state who were contributing to workforce improvement by supporting priority job training, reskilling and upskilling programs and whose contributions aligned with strategic priorities for the state, including helping to meet regional workforce demands and enabling more Texans to attain jobs that paid a living wage. The agencies comprising the initiative would have to jointly nominate employers for the award.

Targeted funding. A state agency that received funding through the federal Carl D. Perkins Career and Technical Education Act of 2006 or the Workforce Innovation and Opportunity Act or any other relevant federal funding could to the extent permissible under federal law combine with, transfer to, or delegate to another state agency that received such funding the agency's management of workforce-related funding as necessary to implement the state workforce development goals.

TEA, THECB, and TWC would have to jointly submit to the governor and the standing legislative committees with jurisdiction over state financial alignment efforts a biennial report on how federal and state funding for career education and training programs were being spent in accordance with the state workforce development goals.

A state agency that received federal or state funding for career education and training programs would have to include in its legislative appropriations request a description of how the agency's career education and training programs and expenditures aligned with the state workforce development goals.

Living wage. TEA, THECB, and TWC would have to jointly determine for each county the wage that constituted a living wage for purposes of the Tri-Agency Workforce Initiative. The determination would have to be based on a common standard that reflected the regionally adjusted

minimum employment earnings necessary to meet a family's basic needs while also maintaining self-sufficiency.

Gifts, grants, and donations. The agencies comprising the initiative could accept gifts, grants, and donations from any public or private source for the purposes of the initiative. The agencies would have to investigate potential sources of funding from federal grants or programs that could be used for the purposes of the initiative.

Additional workforce data reporting. TWC would have to work in consultation with employers to enhance and improve the reporting of employment and earnings data by employers to the commission as part of the employer's routine wage filings. By September 1 of each even-numbered year, TWC would have to prepare and submit to the Legislature and post on the commission's website a report on employer participation in the enhanced wage filings. The initial report would have to be submitted by September 1, 2024. Required data priorities and standards for reporting and collecting enhanced wage filings would have to be developed by September 1, 2022.

By January 1, 2022, TWC would have to design and implement a voluntary pilot program for the reporting and collection of enhanced wage filings. By September 1, 2022, TWC would have to submit to the Legislature a report on the results of the pilot program and any recommendations for legislative or other actions.

Implementation. The initiative agencies would have to implement provisions of the bill relating to the unified workforce data repository, the credential library, and internet-based resources only if:

- the Legislature appropriated funds;
- federal funding was provided to the agencies as part of any federal COVID-19 relief spending; or
- the agencies received gifts, grants, or donations.

If funds were not appropriated or otherwise made available, TEA, THECB, and TWC could implement the provisions using other money available to the agencies for that purpose.

The bill would take effect September 1, 2021.

NOTES:

According the Legislative Budget Board, the bill would have a negative impact of about $19.1 million in general revenue-related funds through fiscal 2023.

SUBJECT: Authorizing TDI to establish statewide all payor claims database

COMMITTEE: Insurance — committee substitute recommended

VOTE: 9 ayes — Oliverson, Vo, J. González, Hull, Israel, Middleton, Paul, Romero, Sanford

0 nays

WITNESSES: For — Blake Hutson, AARP Texas; Charles Miller, Texas 2036; Tom Banning, Texas Academy of Family Physicians; Carl Isett, Texas Association of Benefit Administrators; (*Registered, but did not testify*: Jim Pitts, Baylor Scott White; Stacey Pogue, Every Texan; Thamara Narvaez, Harris County Commissioners Court; Greg Hansch and Matthew Lovitt, National Alliance on Mental Illness Texas; Shannon Meroney, Texas Association of Health Plans; Jill Sutton, Texas Osteopathic Medical Association)

Against — None

On — Kenisha Schuster, Texas Department of Insurance; Trudy Krause, UTHealth Science Center Houston Center for Healthcare Data; (*Registered, but did not testify*: Jenny Blakey, Office of the Public Insurance Counsel (OPIC); Clayton Stewart, Texas Medical Association)

BACKGROUND: Interested parties suggest increasing public transparency of health care data by creating a centralized database in Texas that contains billed charges from health care providers and cost-sharing information such as deductibles, co-pays, coinsurance, and out-of-pocket amounts.

DIGEST: CSHB 1907 would authorize the Texas Department of Insurance (TDI) to establish the Texas All Payor Claims Database to increase public transparency of health care data and improve the quality of health care in the state.

Definitions. The bill would define "payor" as certain entities that pay, reimburse, or otherwise contract with a health care provider to provide

health care services or supplies to a patient. Among other entities, a "payor" would include a health maintenance organization, the state Medicaid program, including the Medicaid managed care program, a third-party administrator or administrative services organization, and a pharmacy benefit manager.

"Center" would mean the Center for Healthcare Data at The University of Texas Health Science Center at Houston.

"Data" would mean the specific claims and encounters, enrollment, and benefit information submitted to the center.

Administration of database. The bill would require TDI to collaborate with and leverage the center's existing resources and infrastructure to establish the Texas All Payor Claims Database to collect, process, analyze, and store data. The database administrator would be the center, which would have to design and build the database infrastructure and manage the submitted data.

As soon as practicable after the bill's effective date, the commissioner of insurance, in consultation with the center, would have to actively seek financial support from the federal grant program for development of state all payer claims databases established under federal law and from other available federal sources.

Stakeholder Advisory Group. By January 1, 2022, the commissioner of TDI, in consultation with the center, would have to establish a stakeholder advisory group to assist the commissioner and the center in administering the database.

The advisory group would have to include the state Medicaid director or the director's designee; a member designated by the Teacher Retirement System of Texas; a member designated by the Employees Retirement System of Texas; and nine members designated by the commissioner representing various health care entities.

Data. The bill would require each payor to submit to TDI certain information, including:

- the name and National Provider Identifier, as described under federal regulation, of each health care provider paid by the payor;
- the claim line detail that documented the health care services or supplies provided by the provider; and
- the amount of charges billed by the health care provider and the allowed amount paid by the payor and the recipient of the health care services or supplies.

The bill would authorize the department or the center to use the data to produce price, resource use, and quality information for consumers and for research and other analysis by the department, center, and certain third-parties.

Exception. The bill would allow any sponsor or administrator of a health benefit plan subject to the Employee Retirement Income Security Act to elect or decline to participate in or submit data to the center.

Public portal. The bill would require the center to collect, compile, and analyze data submitted to or stored in the database and disseminate information to the public through the creation of an online portal.

Data security. Under the bill, data contained in the database and any reports or information created by the center using that data would be confidential, subject to applicable state and federal law pertaining to records privacy and protected health information, and would not be subject to disclosure under the Texas Public Information Act.

Report. By September 1 of each even-numbered year, TDI would have to submit to the Legislature a written report containing an analysis of the payor data and recommendations, among other information specified in the bill.

Rules. By June 1, 2022, the commissioner of insurance, in consultation with the center, would have to adopt certain rules as specified in the bill.

The bill would take effect September 1, 2021.

NOTES: According to the Legislative Budget Board, the bill would have a negative impact of about $9 million to general revenue through fiscal 2023.

SUBJECT: Allowing migrant workers to bring action for migrant housing violations

COMMITTEE: Urban Affairs — favorable, without amendment

VOTE: 5 ayes — Cortez, Bernal, Campos, Jarvis Johnson, Minjarez

3 nays — Holland, Gates, Slaton

1 absent — Morales Shaw

WITNESSES: For — (*Registered, but did not testify*: Allison Greer Francis, CHCS; Rene Lara, Texas AFL-CIO; Joshua Houston, Texas Impact; Ash Hall)

Against — (*Registered, but did not testify*: Tommy Engelke, Texas Agricultural Cooperative Council; Ryan Skrobarczyk, Texas Nursery & Landscape Association)

On — Israel Reyna, Texas Rio Grande Legal Aid, Inc.; (*Registered, but did not testify*: Daniela Dwyer, Texas Rio Grande Legal Aid, Inc.; Homero Cabello, TX Department of Housing and Community Affairs)

BACKGROUND: Concerns have been raised that the Texas Department of Housing and Community Affairs lacks sufficient accountability and enforcement mechanisms to properly address noncompliance with regulatory standards for migrant labor housing facilities, particularly with regard to repeat offenders.

DIGEST: HB 195 would change the civil penalty for a violation under certain statute regulating migrant labor housing from $200 for each day that the violation occurred to at least $50 for each person occupying the migrant labor housing facility for each day the violation occurred. In addition to the Texas Department of Housing and Community Affairs (TDHCA), the relevant county attorney, and the attorney general, the bill would include a migrant agricultural worker who, at the time of the violation, lived in the migrant labor housing facility among the parties eligible to bring an action to collect a penalty for such violations.

The bill would require TDHCA to by rule adopt a penalty schedule that would increase the amount of the penalty assessed against a person who committed repeated violations. A penalty collected under the bill's provisions could be appropriated only to TDHCA for the enforcement of regulations related to migrant labor housing.

A person who provided a migrant labor housing facility, a person who employed a migrant agricultural worker who occupied such a facility, or a farm labor contractor could not retaliate against a person for filing a complaint or providing information in good faith relating to a possible violation of migrant labor housing regulations.

TDHCA would have to adopt rules necessary to implement migrant labor housing regulations as amended by the bill no later than March 1, 2022.

The bill would take effect September 1, 2021, and would apply only to a violation that occurred entirely on or after that date.

SUBJECT: Establishing safety requirements for amusement ride operators

COMMITTEE: Insurance — favorable, without amendment

VOTE: 8 ayes — Oliverson, J. González, Hull, Israel, Middleton, Paul, Romero, Sanford

0 nays

1 absent — Vo

WITNESSES: For — None

Against — None

On — (*Registered, but did not testify*: Luke Bellsnyder, Texas Department of Insurance)

BACKGROUND: Occupations Code ch. 2151, subch. C governs the operation of amusement rides and includes requirements for insurance coverage and inspections.

Under Penal Code sec. 49.065, a person commits an offense if the person is intoxicated while operating or assembling an amusement ride. The offense is a class B misdemeanor (up to 180 days in jail and/or a maximum fine of $2,000) with a minimum term of confinement of 72 hours, except that the minimum term of confinement is six days if it shown on the trial of an offense that at the time of the offense the person possessed an open container of alcohol.

It has been suggested that placing additional requirements in statute governing amusement rides would provide for better oversight of persons in direct control of amusement rides.

DIGEST: HB 205 would require an amusement ride operator to be at least 16 years old and trained in the proper use and operation of the amusement ride the person was operating.

The bill would prohibit a ride operator from operating an amusement ride while intoxicated and from simultaneously operating more than one amusement ride unless the operator was a dispatcher for adjacent or proximate elevated waterslide amusement rides.

The bill would define "ride operator" to mean a person who directly controlled or had the duty to directly control the operation of an amusement ride. The term would not include a certified lifeguard, other than a certified lifeguard working as a dispatcher.

The bill would define "dispatcher" as a ride operator stationed at the top of an elevated waterslide amusement ride to maintain order, direct patrons departing the top of the slide, and ensure patrons began the ride safely.

The bill would take effect September 1, 2021.

SUBJECT: Offering elective courses on the Bible to certain public school students

COMMITTEE: Public Education — favorable, without amendment

VOTE: 12 ayes — Dutton, Lozano, Allen, Allison, K. Bell, Bernal, Buckley, Huberty, K. King, Meza, Talarico, VanDeaver

0 nays

1 absent — M. González

WITNESSES: For — Chris Allen, Marble Falls ISD; Tamara Berkman, Teach the Whole Bible; Mary Castle, Texas Values Action; Lauren Berkman; Denise Seibert; (*Registered, but did not testify*: Marshall Kenderdine, Baptist General Convention of Texas; Starlee Coleman, Texas Public Charter Schools Association; Gregory McCarthy, Texas Values Action; Thomas Parkinson; Calvin Tillman; Al Zito)

Against — Sondra Kaplan; (*Registered, but did not testify*: Carisa Lopez, Texas Freedom Network; Susana Carranza; Dorothy Ann Compton; Lisa Flores; Linda Guy; Gregg Vunderink)

On — (*Registered, but did not testify*: Eric Marin and Monica Martinez, Texas Education Agency)

BACKGROUND: Education Code sec. 28.011 describes elective courses on the Bible's Hebrew Scriptures (Old Testament) and New Testament and their impact on the history and literature of Western civilization that a school district may offer to students in grade 9 or above.

There have been calls to expand elective course offerings in the academic study of the Bible from public high school students to students in middle school.

DIGEST: HB 2681 would change from grade 9 to grade 6 the grade level at which a public school district could begin offering students an elective course on the Hebrew Scriptures (Old Testament) and its impact and the New

Testament and its impact, or an elective course that combined the two courses.

The bill would require a teacher of the Bible electives to hold a certificate in certain subjects that qualified the teacher to teach at the grade level at which the course was offered, with, where practical, a minor in religion or biblical studies. The Hebrew Scriptures and New Testament electives could be taught only by a teacher who had successfully completed Bible course training.

A course offered under the bill's provisions to students in grade 6, 7, or 8 would be considered a social studies course for the purpose of complying with the required curriculum.

The bill would apply beginning with the 2021-2022 school year.

The bill would take immediate effect if finally passed by a two-thirds record vote of the membership of each house. Otherwise, it would take effect September 1, 2021.

NOTES:

According to the Legislative Budget Board, the bill would have a negative impact of about $301,000 to general revenue through fiscal 2023. The bill would make no appropriation but could provide the legal basis for an appropriation of funds to implement the bill's provisions.

SUBJECT: Authorizing a computer science professional development grant fund

COMMITTEE: Public Education — committee substitute recommended

VOTE: 12 ayes — Dutton, Lozano, Allen, Allison, K. Bell, Bernal, Buckley, Huberty, K. King, Meza, Talarico, VanDeaver

0 nays

1 absent — M. González

WITNESSES: For — Shelley Gretlein, NI; Stephanie Villareal, Representative Mary Gonazalez; (*Registered, but did not testify*: Ray Sullivan, Amazon; Andrea Chevalier, Association of Texas Professional Educators; Daniela Rubio, Austin Achieve Public Schools; Chloe Latham Sikes, Intercultural Development Research Association; Angela Hale, LGBTQ Chambers of Commerce and McKinney Chamber of Commerce; Jennifer Rodriguez, Lockheed Martin Aeronautics Company; Thomas Ratliff, Microsoft; Tracy Young, NAF; Taylor Sims, Project Lead the Way; Hillary Lilly, San Antonio ISD; Grover Campbell, TASB; Kristin McGuire, TCASE; Servando Esparza, TechNet; Luis Acuna, Texas 2036; Dena Donaldson, Texas AFT; Megan Herring, Texas Association of Business; Barry Haenisch, Texas Association of Community Schools; Mike Meroney, Texas Association of Manufacturers; Casey McCreary, Texas Association of School Administrators; Jennifer Bergland, Texas Computer Education Association; Mark Terry, Texas Elementary Principals and Supervisors Association; Starlee Coleman, Texas Public Charter School Association; Carrie Griffith, Texas State Teachers Association; Jarod Love, The College Board; Gilbert Zavala, The Greater Austin Chamber of Commerce; Molly Weiner, United Ways of Texas; Annemarie Donnelly; Ash Hall; Thomas Parkinson)

Against — (*Registered, but did not testify*: Frank Corte Jr, Schulman Lopez Hoffer Adelstein)

On — (*Registered, but did not testify*: Eric Marin and Jessica McLoughlin, Texas Education Agency)

BACKGROUND:

Education Code ch. 21, subch. J governing staff development provided to an educator states that staff development may include training technology and digital learning.

Some have suggested that few Texas high school students are taking computer science classes due to a shortage of certified teachers. It has been suggested that a professional development grant program could provide teachers an opportunity to obtain computer science teaching certification.

DIGEST:

CSHB 244 would allow the commissioner of education to establish a competitive professional development grant program to encourage teachers to obtain computer science certification and continue professional development in coding, computational thinking, cybersecurity, and computer science education.

The commissioner could make grants available from any federal funds available for the purpose to eligible providers that offered:

- professional development for classroom teachers to ensure teachers maintained a working knowledge of current computer industry standard tools and resources; and
- training for computer science certification for teachers in accordance with certification requirements adopted by the State Board of Educator Certification.

To be eligible to receive a grant, a provider would have to:

- be an institution of higher education, regional education service center, or school district or partnership of multiple school districts or a nonprofit entity approved by the commissioner that had demonstrated experience in providing professional development through a statewide network; and
- meet eligibility standards established by commissioner rule.

An eligible provider receiving a grant would be required to:

- provide the training or professional development;
- establish professional development hubs in each education service center region;
- serve high-need campuses;
- have established partnerships with institution of higher education faculty with expertise in cybersecurity, computing, and computer science education; and
- develop partnerships with computer industry professionals.

The commissioner could adopt rules as necessary to implement the grant program.

The bill would take immediate effect if finally passed by a two-thirds record vote of the membership of each house. Otherwise, it would take effect September 1, 2021.

SUBJECT: Prohibiting prosecution of certain juveniles for the offense of prostitution

COMMITTEE: Juvenile Justice and Family Issues — committee substitute recommended

VOTE: 5 ayes — Neave, Ramos, Talarico, Vasut, Wu

2 nays — Swanson, Cook

2 absent — Frank, Leach

WITNESSES: For —James Caruthers, Children at Risk; Jennifer Hohman, Fight For Us; Jessica Anderson, Houston Police Department; Nissi Hamilton, Survivors Voice; Steven Phenix, The Refuge for DMST; Mira Boyda; Jaimie Keller; (*Registered, but did not testify*: Matt Simpson, ACLU of Texas; TJ Patterson, City of Fort Worth; M Paige Williams, for Dallas County Criminal District Attorney John Creuzot; Scott Henson, Just Liberty; Matthew Lovitt, National Alliance on Mental Illness Texas; Alison Mohr Boleware, National Association of Social Workers - Texas Chapter; Kristen Lenau, Texas Association Against Sexual Assault; Sarah Crockett, Texas CASA; Shea Place, Texas Criminal Defense Lawyers Association; Alycia Castillo, Texas Criminal Justice Coalition; Amelia Casas, Texas Fair Defense Project; Suzi Kennon, Texas PTA; Molly Weiner, United Ways of Texas)

Against — None

On — Andrea Sparks, Office of the Governor; (*Registered, but did not testify*: Sophia Karimjee, Department of Family and Protective Services)

BACKGROUND: Concerns have been raised about child victims of human sex trafficking being arrested and charged under the prostitution statute instead of being treated as victims in need of services. Interested parties have called for such child victims to be directed to service providers in order to receive statutorily prescribed assistance and services.

DIGEST: CSHB 162 would prohibit the prosecution of a person for a prostitution offense in which the person knowingly offered or agreed to receive a fee

from another to engage in sexual conduct if the offense was committed when the person was younger than 17 years of age.

The bill would specify that such an offense would not be delinquent conduct or conduct indicating a need for supervision under the juvenile justice system, and a child could not be referred to the juvenile court for such conduct.

A law enforcement officer who suspected that a child might be a victim of human trafficking or might have engaged in prostitution would be required to take possession of the child in accordance with certain statutory procedures. The officer would have to transfer possession of the child to the Department of Family and Protective Services (DFPS) as soon as possible.

On taking possession of the child, DFPS would be required to contact a local service provider or care coordinator who, in consultation with the child sex trafficking prevention unit and the governor's program for victims of child sex trafficking, would facilitate the assignment of a caseworker for the child to create a customized package of services to fit the child's immediate and long-term rehabilitation and treatment needs.

The bill would establish that it would not be a defense to prosecution for a human trafficking offense that the person trafficked by the actor was forced to engage in prostitution conduct for which the person could not be prosecuted under the bill. It also would not be a defense to prosecution for certain offenses related to promoting or compelling prostitution that the person who engaged in prostitution conduct could not be prosecuted because the conduct was committed when the person was younger than 17.

The bill would take effect September 1, 2021, and would apply only to an offense committed or conduct that occurred on or after the effective date.

SUBJECT: Modifying the criminal offense of the unlawful restraint of a dog

COMMITTEE: Criminal Jurisprudence — committee substitute recommended

VOTE: *After recommitted:*
7 ayes — Collier, K. Bell, Cook, Crockett, Hinojosa, A. Johnson, Vasut

1 nay — Cason

1 absent — Murr

WITNESSES: *March 8 public hearing:*
For — Shannon Sims, City of San Antonio Animal Care Services; Brian Hawthorne, Sheriffs Association of Texas; Jamey Cantrell, Texas Animal Control Association; Robyn Katz; Art Munoz; (*Registered, but did not testify:* Ian Randolph, Animal Legal Defense Fund; TJ Patterson, City of Fort Worth; Jamaal Smith, City of Houston Office of the Mayor; Jennifer Szimanski, CLEAT; Daniel Collins, County of El Paso; M. Paige Williams (for Dallas County Criminal District Attorney John Creuzot; Stacy Smith, Humane Tomorrow; Shelby Bobosky, Julie Cassidy, Rankin, Stacy Sutton Kerby, Texas Humane Legislation Network; Mitch Landry, Texas Municipal Police Association; Elizabeth Choate, Texas Veterinary Medical Association; Katy Fendrich-Turner, The Hailey Foundation; and 31 individuals)

Against — None

On — Shannon Edmonds, Texas District and County Attorneys Association

BACKGROUND: Some have suggested that current statute governing the unlawful restraint of a dog are ineffective and should be revised to achieve their original intended purpose, especially as the law relates to cruel and inhumane tethering.

DIGEST: CSHB 873 would make it a crime for an owner to knowingly leave a dog outside and unattended by use of a restraint unless the owner provided

access to adequate shelter, an area that allowed the dog to avoid standing water and any other substance that could cause harm to the health of the dog, shade from direct sunlight, and potable water.

It also would be an offense to knowingly restrain a dog outside and unattended by use of a chain or a restraint that was weighted, shorter than the greater of five times the length of the dog or 10 feet, unattached to a properly fitted harness or collar, or that caused pain or injury to the dog. This provision would not apply to a restraint attached to a trolley system that allowed a dog to move along a running line for a distance equal to or greater than those specified lengths.

An offense would be a class C misdemeanor (maximum fine of $500), except it would be a class B misdemeanor (up to 180 days in jail and/or a maximum fine of $2,000) if the owner had previously been convicted under the bill's provisions.

The bill would define "adequate shelter" as a sturdy structure that allowed a dog protection from certain weather conditions and that had dimensions that allowed a dog to stand erect, sit, turn around, and lie down in a normal position. "Properly fitted" would mean an appropriately sized collar or harness that did not choke a dog or impede its normal breathing or swallowing and was attached around a dog in a manner that did not allow for escape or cause pain or injury.

Exceptions. The bill would not prohibit a person from a walking a dog with a handheld leash. The bill would not apply to the use of a restraint on a dog:

- in a public camping or recreational area in compliance with the area's requirements as defined by a federal, state, or local authority or jurisdiction;
- while the owner and dog engaged in or trained for an activity under a valid state-issued license, provided the activity was associated with the use or presence of a dog;
- while the owner and dog engaged in conduct directly related to the business of shepherding or herding cattle or livestock; or

- while the owner and dog engaged in conduct directly related to the business of cultivating agricultural products.

The bill also would not apply to:

- leaving a dog unattended in an open-air truck bed only for the time necessary for the owner to complete a temporary task that required the dog to be left unattended;
- a dog taken by the owner, or another person with the owner's permission, from the owner's residence or property and restrained for not longer than the time necessary for the owner to engage in activity that required the dog to be temporarily restrained; or
- a dog restrained while the owner and dog were engaged in or training for hunting or field trialing.

Applicability. If conduct constituting an offense under the bill also constituted an offense under any other law, the actor could be prosecuted under either or both laws.

The bill would not preempt a local regulation relating to the restraint of a dog or affect the authority of a political subdivision to adopt or enforce an ordinance or requirement relating to the restraint of a dog if the regulation, ordinance, or requirement:

- was compatible with and equal to or more stringent that a requirement prescribed by the bill; or
- related to an issue not specifically addressed by the bill.

Repeal. The bill would repeal the existing statutes in the Health and Safety Code defining and addressing the unlawful restraint of a dog.

The bill would take effect September 1, 2021, and would apply only to an offense committed on or after the effective date.

SUBJECT: Taking blood sample on arrest for intoxication offenses involving driving

COMMITTEE: Homeland Security and Public Safety — committee substitute recommended

VOTE: 8 ayes — White, Bowers, Goodwin, Harless, Hefner, E. Morales, Patterson, Tinderholt

1 nay — Schaefer

WITNESSES: For — Terry Meza, Texas House of Representatives; Michaelle Carney; Dwayne Carney; Rhonda Nail; John Palmer; (*Registered, but did not testify*: Dee Chambless; Detrese Harkey; Elva Mendoza)

Against — Frank Sellers, Texas Criminal Defense Lawyers Association; (*Registered, but did not testify*: Shea Place, Texas Criminal Defense Lawyers Association; Brandon Burkhart; Julie Campbell)

BACKGROUND: Some have noted that law enforcement often relies on a breathalyzer exam at the scene of motor vehicle accidents to confirm whether a driver was under the influence of drugs or alcohol. It has been suggested that a blood sample would be more effective at detecting such substances that affect a person's cognitive ability and should be required to be taken on arrest for certain intoxication offenses involving the operation of a motor vehicle or watercraft.

DIGEST: CSHB 558 would require a peace officer to require the taking of a blood specimen of a person if:

- the officer arrested the person for an intoxication offense involving the operation of a motor vehicle or watercraft;
- the person refused the officer's request to submit to taking the specimen voluntarily;
- the person was the operator of a motor vehicle or a watercraft involved in an accident that the officer reasonably believed occurred as a result of the intoxication offense; and

- at the time of the arrest, the officer reasonably believed that as a direct result of the accident any individual had died, would die, or had suffered serious bodily injury.

A peace officer could not require the taking of a specimen unless the officer obtained a warrant directing that the specimen be taken or had probable cause to believe that exigent circumstances existed.

The bill would take effect September 1, 2021, and would apply only to an arrest that occurred on or after that date.

SUBJECT: Increasing penalties for obstruction or retaliation against public servant

COMMITTEE: Criminal Jurisprudence — favorable, without amendment

VOTE: 9 ayes — Collier, K. Bell, Cason, Cook, Crockett, Hinojosa, A. Johnson, Murr, Vasut

0 nays

WITNESSES: For — Susan Harris; (*Registered, but did not testify*: Christine Wright, City of San Antonio; Jennifer Szimanski, Combined Law Enforcement Associations of Texas; Frederick Frazier, Dallas Police Association/FOP716 State FOP Director; James Parnell, Dallas Police Association; David Sinclair, Game Warden Peace Officers Association; Ray Hunt, HPOU; James Smith, San Antonio Police Department; Jimmy Rodriguez, San Antonio Police Officers Association; Tom Maddox, Sheriffs Association of Texas; Chris Gatewood, Smith County District Attorney; John Wilkerson, Texas Municipal Police Association; John Chancellor, Texas Police Chiefs Association)

Against — None

On — (*Registered, but did not testify*: Shannon Edmonds, Texas District and County Attorneys Association; Thomas Parkinson)

BACKGROUND: Penal Code sec. 36.06 makes obstruction or retaliation a criminal offense. It is an offense to intentionally or knowingly harm or threaten to harm another by an unlawful act in retaliation for or on account of the service or status of another as:

- a public servant, witness, prospective witness, or informant; or
- a person who has reported or who the actor knows intends to report the occurrence of a crime.

It also is an offense to prevent or delay the service of another as a public servant, witness, prospective witness, or informant or as a person who has

reported or who the actor knows intends to report the occurrence of a crime.

Offenses are third-degree felonies (two to 10 years in prison and an optional fine of up to $10,000), except that the offense is a second-degree felony (two to 20 years in prison and an optional fine of up to $10,000) if:

- the victim of the offense was harmed or threatened because of the victim's service or status as a juror; or
- the conduct involves retaliation and results in the bodily injury of a public servant or a member of a public servant's family or household.

"Public servant" has the meaning assigned by Penal Code sec. 1.07, which defines the term as a person elected, selected, appointed, employed, or otherwise designated as one of the following:

- an officer, employee, or agent of government;
- a juror or grand juror;
- an arbitrator, referee, or other person who is authorized by law or private written agreement to hear or determine a cause or controversy;
- an attorney at law or notary public when participating in the performance of a governmental function;
- a candidate for nomination or election to public office; or
- a person who is performing a governmental function under a claim of right although the person is not legally qualified to do so.

Concerns have been raised that current law does not give adequate protection under the obstruction and retaliation offenses to all public servants, including judges.

DIGEST:

HB 285 would expand when the second-degree felony punishment for obstruction and retaliation was imposed to include harming or threatening the victim because of the victim's service or status as public servant.

The bill would take effect September 1, 2021, and would apply to offenses committed on after that date.

SUBJECT: Requiring drivers to stop and yield the right-of-way to a pedestrian

COMMITTEE: Transportation — committee substitute recommended

VOTE: 12 ayes — Canales, E. Thompson, Ashby, Bucy, Davis, Harris, Lozano, Martinez, Ortega, Perez, Rogers, Smithee

0 nays

1 absent — Landgraf

WITNESSES: For — Shana Merlin, Cpfss; Jay Crossley, Farm&City; (*Registered, but did not testify*: Brie Franco, City of Austin; Jamaal Smith, City of Houston; Christine Wright, City of San Antonio; Chase Bearden and Dennis Borel, Coalition of Texans with Disabilities; Tom Maddox, Sheriffs Association of Texas; Mackenna Wehmeyer, TAG Houston; Kenneth Flippin, Vision Zero Texas; Adam Greenfield, Walk Austin; Susana Carranza; Idona Griffith; Lance Hamm; Georgia Keysor; Vanessa MacDougal)

Against — Terri Hall, Texas TURF, Texans for Toll-free Highways

On — Robert Wunderlich, Texas A&M Transportation Institute

BACKGROUND: Transportation Code secs. 544.007, 552.002, 552.003, and 552.006 require an operator of a vehicle to yield the right-of-way to pedestrians in various circumstances, such as when the pedestrian is lawfully in an intersection or crosswalk.

Concerns have been raised by the continuing rise in pedestrian deaths in Texas and some have suggested explicitly requiring drivers to stop and yield the right-of-way to a pedestrian crossing the street.

DIGEST: CSHB 443 would require the operator of a vehicle to stop and yield the right-of-way to a pedestrian in certain circumstances in which current law requires the operator to yield.

The bill would take effect September 1, 2021, and apply only to an offense committed on or after that date.

SUBJECT: Establishing certain conditions for common carriers to enter property

COMMITTEE: Land and Resource Management — committee substitute recommended

VOTE: 7 ayes — Deshotel, Leman, Biedermann, Burrows, Rosenthal, Spiller, Thierry

1 nay — Craddick

1 absent — Romero

WITNESSES: For — Eric Opiela and Frank Armstrong, South Texans' Property Rights Association; (*Registered, but did not testify*: Cyrus Reed, Lone Star Chapter Sierra Club; Adrian Shelley, Public Citizen; Jeremy Fuchs, Texas and Southwestern Cattle Raisers Association; Joy Davis, Texas Farm Bureau; Rita Beving, Texas Landowners for Eminent Domain Reform; Daniel Gonzalez and Julia Parenteau, Texas Realtors; David Yeates, Texas Wildlife Associations)

Against — James Mann, Texas Pipeline Association; (*Registered, but did not testify*: Shayne Woodard, DCP Midstream; Michael Lozano, Permian Basin Petroleum Association; David Cagnolatti, Phillips 66; Tulsi Oberbeck, Texas Oil and Gas Association; Thure Cannon, Texas Pipeline Association)

BACKGROUND: Some property owners have raised concerns about common carriers not acting in a fair or transparent manner when entering the property for eminent domain purposes. Some have called for providing certain conditions to enter the property, including requiring notice on intent to enter the property and an indemnification provision in the owner's favor.

DIGEST: CSHB 4107 would require a common carrier or its employees, contractors, agents, or assigns to provide written notice to a property owner before entering the property for the purpose of making a preliminary survey to be used for eminent domain. The bill also would require the common carrier to provide the property owner with an

indemnification provision in favor of the property owner with respect to any damages resulting from the survey.

The notice and indemnification would have to be provided at least two days before entering the property and could be provided by first class mail, email, personal delivery, or another service authorized by the Texas Rules of Civil Procedure. The documents would have to include the phone number of a person whom the property owner could contact with questions or objections.

Entry to the property would be subject to the conditions that the entry:

- was limited to only the portion of the property anticipated to be affected by the route of the proposed pipeline;
- was limited to the purpose of conducting surveys;
- unless otherwise authorized by the property owner, did not authorize the cutting, removal, or relocation of a fence without the prompt restoration or repair;
- required the restoration of property to be as close as reasonably possible to the original condition;
- required all equipment and tools used in the survey to be removed by a certain date; and
- required that the property owner, on written request, be provided at no charge all non-privileged information gathered from the entry, including surveys, reports, maps, and photographs.

The bill would take effect September 1, 2021, and apply only to a condemnation proceeding in which the petition was filed on or after that date.

SUBJECT: Regulating operation of health care sharing ministries in the state

COMMITTEE: Insurance — committee substitute recommended

VOTE: 9 ayes — Oliverson, Vo, J. González, Hull, Israel, Middleton, Paul, Romero, Sanford

0 nays

WITNESSES: For — Blake Hutson, AARP Texas; Keith Hopkinson, Christian Healthcare Ministries; Stacey Pogue, Every Texan; Kevin McBride, Impact Health Sharing Inc.; Jamie Lagarde, Sedera, Inc.; Shannon Meroney, Texas Association of Health Underwriters; Michael Murphy; (*Registered, but did not testify*: Greg Hansch, National Alliance on Mental Illness Texas; Marshall Kenderdine, Texas Academy of Family Physicians; Cameron Duncan, Texas Hospital Association; Clayton Stewart, Texas Medical Association; Jill Sutton, Texas Osteopathic Medical Association; Eric Woomer, Texas Pediatric Society; David Balat, Texas Public Policy Foundation; Michael Grimes, Texas Radiological Society)

Against — Jason Rapert, American Association of Healthcare Sharing Ministries; Thomas Connors, Liberty Health Share

On — Brad Nail, Alliance of Health Care Sharing Ministries; Evelio Silvera, Christian Care Ministry-Medi-Share; Ryan James, OneShare Health; Katheryn Johnson, OneShare Health LLC; Joel Noble, Samaritan Ministries; Jamie Dudensing, Texas Association of Health Plans; Jill Baine; Juliet Dill; JoAnn Volk; (*Registered, but did not testify*: Joshua Godbey, Office of the Attorney General; Jaime Walker, Texas Department of Insurance)

BACKGROUND: Insurance Code ch. 1681 governs health care sharing ministries, which are faith-based, nonprofit organizations that are tax-exempt under the Internal Revenue Code of 1986 if certain criteria are met. A health care sharing ministry is not considered to be engaging in the business of insurance.

Suggestions have been made to strengthen oversight and accountability of health care sharing ministries operating in the state to prevent some ministries from misrepresenting themselves as traditional health insurance plans to consumers.

DIGEST:

CSHB 573 would establish filing requirements for health care sharing ministries to operate in the state, create filing fees, prohibit a ministry from taking certain actions, and use certain enforcement mechanisms for violators.

The bill also would define several terms and would transfer Insurance Code ch. 1681 to Business and Commerce Code, Title 5, subtitle C and redesignate it as Business and Commerce Code ch. 113.

The bill would revise the definition of "health care sharing ministry" to mean a faith-based, nonprofit described by 26 U.S.C. Section 501(c)(3) and exempt from taxation under 26 U.S.C. Section 501(a).

Filing requirements. The bill would require a person who intended to operate a health care sharing ministry in the state to file certain initial and annual information to the commissioner of the Texas Department of Insurance (TDI).

Initial filing. The bill would require specified information to be included in the person's initial filing, such as:

- the director or manager of the ministry and their contact number;
- the ministry's physical and electronic mail addresses;
- the copy of the most recent annual audit as required by the bill;
- a list of certain third-party vendors acting on behalf of the ministry in the state; and
- a copy of any application forms and organization guidelines used by the ministry.

A health care sharing ministry operating in the state immediately before the bill's effective date would not have to submit an initial filing before

March 1, 2022. The ministry could continue operating without a filing until April 1, 2022.

A ministry that failed to submit a filing before March 1, 2022, could not operate as a health care sharing ministry until the ministry submitted a filing on or after March 1, 2024.

Annual filing. The bill would require specified information to be included in the person's annual filing, such as:

- an update of any changes made to documents previously filed with TDI;
- a copy of the most recent annual audit required under federal law;
- an organization financial report detailing certain information for the prior registration period; and
- certain other reports or certification.

Fees. The bill would require the commissioner by rule to set a maximum $100 fee for a required filing. Collected fees would be deposited to the credit of TDI's operating account.

Late filing. A health care sharing ministry that failed to timely submit a required filing would have to pay the following fee to TDI:

- $250 for a filing submitted one to 30 days late;
- $500 for a filing submitted 31 to 60 days late; or
- $1,000 for a filing submitted 61 to 90 days late.

If a ministry failed to submit a filing within 90 days after the deadline, the ministry could not operate as a health care sharing ministry for two years.

Prohibited actions. Under the bill, a health care sharing ministry could not take specified actions, including:

- operating under any name other than the name in which the ministry had submitted a filing;

- making a direct or indirect representation that the ministry provided insurance or that a health care service was free;
- compensate anyone to solicit or enroll members in the state based on the number of members solicited or enrolled or the amount of contributions received from enrolled members, including by commission.

The bill would define "member" as an individual enrolled in a health care sharing ministry to share medical expenses with other enrolled individuals.

Disclosures. The bill would require a health care sharing ministry to disclose in writing for each calendar year from the previous five calendar years the following information before and at the time an individual was enrolled as a member:

- total member contributions;
- total amounts paid for sharing requests;
- total administrative fees paid by members; and
- the percentage of money paid by members that was paid toward sharing requests and administrative fees.

The bill would define "administrative fee" as an amount collected from members and used for a purpose other than reimbursing members for their medical expenses, including amounts used to pay for the ministry's administrative expenses and the compensation of third-party vendors for services.

"Sharing request" would mean a member's request submitted to the ministry to be reimbursed for medical expenses.

The bill also would require a health care sharing ministry to provide certain written notices on or accompanying all applications, guideline materials, and written advertisements distributed by or on behalf of the ministry.

Cease and desist order. The bill would authorize the attorney general ex parte to issue an emergency cease and desist order if the attorney general believed that a person was operating a health care sharing ministry in violation of the bill and if the alleged conduct met certain criteria. The bill would specify requirements and procedures after a cease and desist order was issued.

Civil penalty. A person who violated the bill, including a cease and desist order would be liable to the state for a civil penalty of not more than $25,000 for each violation. A court would have to consider certain factors when determining the amount of the civil penalty.

Other provisions. The bill would make certain conforming changes under current law.

The bill would take effect September 1, 2021.

SUBJECT: Allowing certain districts to provide preventative health services

COMMITTEE: County Affairs — committee substitute recommended

VOTE: 9 ayes — Coleman, Stucky, Anderson, Cason, Longoria, Lopez, Spiller, Stephenson, J. Turner

WITNESSES: For — Mark Jack, SAFE-D and Parker County ESD 1; John Carlton, Texas State Association of Fire and Emergency Districts; Nick Perkins, Travis County ESD 2

Against — None

On — (*Registered, but did not testify*: Russell Schaffner, Tarrant County; Julie Wheeler, Travis County Commissioners Court)

BACKGROUND: Health and Safety Code ch. 775 governs emergency services districts, which are granted powers and duties to provide emergency services. It has been suggested that these districts should be authorized to implement mobile integrated health care community paramedicine programs to help reduce district costs and improve health care for at-risk individuals.

DIGEST: CSHB 639 would authorize emergency service districts, if approved by the commissioners court of each county in which the district was located, to provide preventative health care services to reduce reliance on 9-1-1 transports and systems for routine healthcare. Districts could contract with the state or a local government to provide those services and could charge a reasonable fee for performing such services for or on behalf of a person or entity.

The bill would apply to an emergency services district that was licensed as or contracted with an emergency medical service provider or a first responder organization as defined by the Health and Safety Code. A district in a county with a population of less than 60,000 would be required to obtain approval from the county commissioners court prior to providing preventative public health services.

For the purposes of the bill, “preventative health care services” would be defined as out-of-hospital routine health care services, including immunizations, screenings, checkups, and patient counseling, provided for the purpose of preventing illness, disease, or other health problems.

Districts could make necessary improvements and adopt rules and regulations to comply with the bill’s provisions.

The bill also would establish that further reference in Health and Safety Code ch. 775 to the district providing emergency services would include preventative health care services.

The bill would take immediate effect if finally passed by a two-thirds record vote of the membership of each house. Otherwise, it would take effect September 1, 2021.

SUBJECT: Authorizing a dropout recovery competency-based educational program

COMMITTEE: Public Education — committee substitute recommended

VOTE: 11 ayes — Dutton, Allison, K. Bell, Bernal, Buckley, M. González, Huberty, K. King, Meza, Talarico, VanDeaver

0 nays

2 absent — Lozano, Allen

WITNESSES: For — Jessica Shopoff, Learn4Life; Cintia Rodriguez and Sarah Torres, Premier High School Gallery Furniture North Responsive Ed; Jospeh Hoffer, Schulman, Lopez, Hoffer & Adelstein; (*Registered, but did not testify*: Justin Keener, Americans for Prosperity, Libre Initiative, and Doug Deason; Daniela Rubio, Austin Achieve; Tom Sage, Hunton Andrews Kurth LLP; Addie Gomez, KIPP Texas Public Schools; Frank Corte Jr, Schulman, Lopez, Hoffer & Adelstein; Maggie Luna, Statewide Leadership Council; Mia McCord, Texas Conservative Coalition; Alycia Castillo, Texas Criminal Justice Coalition; Starlee Coleman, Texas Public Charter School Association; Erin Valdez, Texas Public Policy Foundation; Knox Kimberly, Upbring; Craig Chick, Yes. Every Kid; Annemarie Donnelly; Amanda List; Karen Marshall)

Against — (*Registered, but did not testify*: Dee Carney, Texas School Alliance)

On — (*Registered, but did not testify*: Eric Marin, Monica Martinez, Heather Mauze, and Matt Montano, Texas Education Agency)

BACKGROUND: Interested observers have suggested that school districts and charter schools need flexibility to provide programs for students who are at risk of dropping out of school or who have dropped out to earn course credit and obtain a high school diploma.

DIGEST:

CSHB 572 would authorize a school district or open-enrollment charter school to offer a dropout recovery competency-based educational program to eligible students. A program would have to:

- serve students in grades 9 through 12 and have an enrollment of which at least 50 percent of the students were 16 years of age or older as of September 1 of the school year; and
- meet the eligibility requirements for and be registered under alternative education accountability procedures adopted by the commissioner of education.

A program could be offered at a new or existing school district or open-enrollment charter school campus, as a new campus program, or as part of an existing campus program, including a campus or campus program charter. A nonprofit entity that had been granted a charter as an adult high school diploma and industry certification charter school could transfer its program to a district or charter school to be offered as a dropout recovery competency-based educational program.

Eligible students. A student between the ages of 14 and 49 would be eligible to enroll in a program under certain circumstances.

A student who on September 1 of the school year was at least 14 years of age and under 26 years of age would be eligible if the student met one or more of the following criteria:

- the student was reported through the Public Education Information Management System or in another state to have dropped out of school, including a student who had previously dropped out;
- the student was at risk of dropping out of school due to circumstances specified in current statute;
- the student had been placed in a disciplinary alternative education program during the previous or current school year;
- the student had been expelled during the previous four school years or the current one;
- the student was on parole, probation, deferred prosecution, deferred adjudication, or other conditional release;

- the student was in the custody or care of the Department of Family and Protective Services or had been referred to the department during the previous or current school year by a school official, officer of a juvenile court, or law enforcement official;
- the student was or had been previously homeless, as defined by federal law;
- the student had resided at any time or currently resided in a residential care facility;
- the student was working for pay at least 15 hours or more each week to provide individual or family support;
- the student was ordered by a court to attend a high school equivalency certificate program but had not yet earned the certificate or a high school diploma;
- the student had previously been placed on a personal graduation plan or intensive program of instruction; or
- the student or the student's parent certified to the school that the student would benefit from the program to avoid dropping out due to extenuating family circumstances or responsibilities.

A student who was at least 26 years of age and under 50 years of age would be eligible to enroll in a program under the bill if the student had failed to complete the curriculum requirements for high school graduation or had failed to perform satisfactorily on an exam required for high school graduation.

Program calendar. A district or charter school that offered a program would have to create an educational calendar and class schedule for the program that provided flexibility in scheduling and student attendance.

Program completion. A student enrolled in a dropout recovery program established by the bill could earn high school course credits and receive a diploma if the student successfully completed the required state curriculum. A district or charter school that operated a program would have to establish the procedures and requirements to demonstrate satisfactory completion of the program, including successful completion of the coursework and successful performance on required state exams.

Accountability. The education commissioner would be required to evaluate the performance of students enrolled in a program for purposes of accountability separately for the two different age ranges of students. The results of the evaluation for students aged 26 to 49 could not be considered in determining the accreditation status or overall or domain performance ratings of the school district or charter school that offered the program.

Funding. A district or charter school that offered a program under the bill would be entitled to receive funding for students enrolled in the program as provided by state funding laws, except that the commissioner would have to calculate average daily attendance based on a student's successful completion of a number of courses as determined by commissioner rule and a student's hours of contact time with the school. Funding would have to be proportionately reduced if a student failed to complete a number of courses as determined by commissioner rule.

The bill would take effect September 1, 2021, and would apply beginning with the 2021-2022 school year.

NOTES:

The Legislative Budget Board estimates the bill would have a negative impact of $585,140 to general revenue through the biennium ending August 31, 2023.

SUBJECT: Modifying the TDHCA homeless housing and services program

COMMITTEE: Urban Affairs — favorable, without amendment

VOTE: 5 ayes — Cortez, Bernal, Campos, Jarvis Johnson, Minjarez

3 nays — Holland, Gates, Slaton

1 absent — Morales Shaw

WITNESSES: For — (*Registered, but did not testify*: Alexa Aragonez, City of Arlington; Guadalupe Cuellar, City of El Paso; T.J. Patterson, City of Fort Worth; Christine Wright, City of San Antonio; Daniel Collins, El Paso County; Ender Reed, Harris County Commissioners Court; Christine Yanas, Methodist Healthcare Ministries of South Texas, Inc.; Seetha Kulandaisamy, Texas Council on Family Violence; Eric Samuels, Texas Homeless Network; Ashley Harris, United Ways of Texas; Madeline Kennedy; Thomas Parkinson)

Against — None

BACKGROUND: Some suggest that state funds used to prevent and eliminate homelessness in larger Texas cities are not effectively addressing all of the causes of homelessness, particularly with respect to displacement caused by economic development activities.

DIGEST: HB 662 would include the provision of programs to prevent homelessness resulting from displacement due to economic development activities among the specified purposes of the homeless housing and services program that may be operated by the Texas Department of Housing and Community Affairs (TDHCA) in each municipality in the state with a population of 285,500 or more.

The bill also would specify that TDHCA could adopt as one of its rules governing the administration of the program a rule providing that each such municipality would receive an allocation of any available funding.

The bill would take effect September 1, 2021.

SUBJECT: Making failure of employer to act on sexual harassment unlawful

COMMITTEE: International Relations and Economic Development — favorable, without amendment

VOTE: 7 ayes — Button, C. Morales, Beckley, C. Bell, Canales, Metcalf, Ordaz Perez

0 nays

2 absent — Hunter, Larson

WITNESSES: For — Katherine Strandberg, Texas Association Against Sexual Assault; Adam Orman, Texas Business First; (*Registered, but did not testify*: Kevin Stewart, American Association of University Women, Texas Chapter; Caitlin Boehne, Equal Justice Center; Rene Lara, Texas AFL-CIO; Dena Donaldson, Texas AFT; Stephanie Gharakhanian, Workers Defense Action Fund; Idona Griffith; Vanessa MacDougal; Thomas Parkinson)

Against — None

On — Bryan Snoddy, Texas Workforce Commission

BACKGROUND: Some have called for establishing that a person who employs at least one person commits an unlawful practice if sexual harassment of an employee occurs and the person fails to take action.

DIGEST: HB 48 would make it an unlawful employment practice if sexual harassment of an employee occurred and the employer or the employer's agents or supervisors:

- knew or should have known that the conduct constituting sexual harassment was occurring; and
- failed to take immediate and appropriate corrective action.

"Sexual harassment" would mean an unwelcome sexual advance, a request for a sexual favor, or any other verbal or physical conduct of a sexual nature if:

- submission to the advance, request, or conduct was made a term or condition of an individual's employment, either explicitly or implicitly;
- submission to or rejection of the advance, request, or conduct by an individual was used as the basis for a decision affecting the individual's employment;
- the advance, request, or conduct had the purpose or effect of unreasonably interfering with an individual's work performance; or
- the advance, request, or conduct had the purpose or effect of creating an intimidating, hostile, or offensive working environment.

Under the bill, "employer" would mean a person who employed one or more employees or who acted directly in the interests of an employer in relation to an employee.

The bill would take effect September 1, 2021, and would apply only to a claim based on conduct that occurred on or after that date.

SUBJECT: Changing prima facie speed limit requirements in residence districts

COMMITTEE: Transportation — committee substitute recommended

VOTE: 9 ayes — Canales, Ashby, Bucy, Davis, Lozano, Martinez, Ortega, Perez, Rogers

3 nays — E. Thompson, Harris, Smithee

1 absent — Landgraf

WITNESSES: For — Anne O'Ryan, AAA Texas; Jay Crossley, Farm&City; Luisa Petersen; (*Registered, but did not testify*: Robin Stallings, BikeTexas; Kathy Sokolic, Central TX Families for Safe Streets; Brie Franco, City of Austin; Tammy Embrey, City of Corpus Christi; Guadalupe Cuellar, City of El Paso; Christine Wright, City of San Antonio; Jessica Anderson, Houston Police Department; Bill Kelly, Mayor's Office, City of Houston; Alina Carnahan, Real Estate Council of Austin; Mackenna Wehmeyer, TAG Houston; Julie Wheeler, Travis County Commissioners Court; Kenneth Flippin; Vanessa MacDougal; Rodney Peterzen)

Against — Terri Hall, Texas TURF, Texans for Toll-free Highways; Don Dixon

On — (*Registered, but did not testify*: Jason Griffin, Texas Department of Public Safety; Thomas Parkinson)

BACKGROUND: Transportation Code sec. 545.356(b-1) allows the governing body of a municipality to lower the speed limit for a highway or part of a highway in the municipality that is not officially designated or marked as part of the state highway system, if the governing body determines that the prima facie speed limit on the highway is unreasonable or unsafe. The lowered speed limit could not be less than 25 miles per hour.

It has been suggested that making it easier for municipalities to lower the prima facie speed limit in residential neighborhoods would help ensure

that motor vehicles were driven at safer speeds in the presence of pedestrians and children at play.

DIGEST:

CSHB 442 would establish that a municipality was not required to perform an engineering or traffic investigation to lower a speed limit under Transportation Code sec. 545.356(b-1) if the street was located in a residence district.

Changes to speed limits under Transportation Code sec. 545.356(b-1) would be exempt from statutory provisions:

- establishing that an altered speed limit becomes effective when the governing body erects signs giving notice of the new limit; and
- requiring the governing body of a municipality that lowers a speed limit to publish on its website and submit to the Department of Transportation a report on citations and certain accidents on the relevant highway.

The bill would take effect September 1, 2021.

SUBJECT: Permitting remote participation of a soldier in a marriage ceremony

COMMITTEE: Juvenile Justice and Family Issues — favorable, without amendment

VOTE: 9 ayes — Neave, Swanson, Cook, Frank, Leach, Ramos, Talarico, Vasut, Wu

WITNESSES: For — Rogelio Lopez, Justice of the Peace, Precinct 4, Bexar County; Nicholas Chu, Justices of the Peace and Constables Association; (*Registered, but did not testify*: Amy Bresnen and Bill Morris, Texas Family Law Foundation; Thomas Parkinson)

Against — None

On — Taran Champagne; (*Registered, but did not testify*: Monie Ulis, Texas Military Department; Jeffrey Morgan)

BACKGROUND: Family Code subch. A, sec. 2.007, governing the application for a marriage license by an absent applicant, states that the affidavit of an absent applicant must include the appointment of any adult, other than the other applicant, to act as a proxy for the purpose of participating in the ceremony, if the absent applicant is:

- a member of the armed forces of the United States stationed in another country in support of combat or another military operation; and
- unable to attend the ceremony.

Interested parties have called for allowing a member of the armed forces who is stationed in another country and is unable to attend the marriage ceremony to be given the option to participate in the ceremony through the use of video conference technology as an alternative to appointing a proxy for the purpose of participating in the ceremony.

DIGEST: HB 675 would provide an absent applicant for a marriage license who was a member of the armed forces of the United States stationed in another country in support of combat or another military operation and was unable

to attend the marriage ceremony to include in their affidavit a statement indicating that the applicant preferred to participate in the ceremony through the use of video conference technology, if available, as an alternative to the appointment of a proxy to participate in the ceremony. The bill would allow the absent applicant to participate in the ceremony through video conference technology.

An office of the justice of the peace that had video conference technology for courtroom use would be authorized to make the technology available for use in a marriage ceremony conducted by a justice of the peace.

The bill would take effect September 1, 2021.

SUBJECT: Simplifying SNAP requirements for certain recipients

COMMITTEE: Human Services — favorable, without amendment

VOTE: 5 ayes — Frank, Hinojosa, Meza, Neave, Rose

4 nays — Hull, Klick, Noble, Shaheen

WITNESSES: For — Jamie Olson, Feeding Texas; Valerie Hawthorne, North Texas Food Bank; Jennifer Allen, Revolution Foods; Vance Ginn, Texas Public Policy Foundation; (*Registered, but did not testify*: Dana Harris, Austin Chamber of Commerce; Beth Corbett, Central Texas Food Bank; Jason Sabo, Children at Risk; Maggie Stern, Children's Defense Fund - Texas; Claudia Russell, City of San Marcos; Christine Bryan, Clarity Child Guidance Center; Adam Haynes, Conference of Urban Counties; Daniel Collins, El Paso County; Stacey Pogue, Every Texan; Ender Reed, Harris County Commissioners Court; James Lee, Legacy Community Health; Kate Goodrich, Meals on Wheels; Christine Yanas, Methodist Healthcare Ministries of South Texas, Inc.; Ana O'Quin, National Alliance on Mental Illness Texas; Alison Mohr Boleware, National Association of Social Workers - Texas Chapter; Joel Romo, Partnership for a Healthy Texas; Kate Murphy, Texans Care for Children; Lisa Hughes, Texas Academy of Nutrition and Dietetics; Shannon Jaquette, Texas Catholic Conference of Bishops; Joshua Houston, Texas Impact; Adrienne Trigg, Texas Medical Equipment Providers Association; Julie Wheeler, Travis County Commissioners Court; Ashley Harris, United Ways of Texas; Karlyn Keller; Graham Sweeney)

Against — None

On — (*Registered, but did not testify*: Hilary Davis, Health and Human Services Commission; Steve Johnson, HHSC Office of Inspector General)

BACKGROUND: Some have noted that the process for obtaining benefits through the supplemental nutrition assistance program (SNAP) can be time-consuming, particularly for the elderly and people with disabilities, and

suggest that simplifying the certification and recertification requirements could aid these populations.

DIGEST:

HB 701 would require the Health and Human Services Commission (HHSC) to develop and implement simplified certification and recertification requirements for supplemental nutrition assistance program (SNAP) benefits for an individual who:

- was 60 years of age or older or was a person with a disability, as determined by commission rule; and
- resided in a household in which every individual residing in the household was 60 years of age or older or was a person with a disability, as determined by commission rule.

The simplified requirements would have to:

- allow an individual described by the bill to waive recertification interview requirements;
- simplify and reduce the number of verification requirements for certifying and recertifying eligibility to receive benefits, which would have to include the use of a shortened application form; and
- allow the individual to remain eligible for benefits for 36 months after certification and after each recertification.

An individual described by the bill would be required to submit to the commission a change reporting form every 12 months during the 36-month eligibility period and report to the commission, in accordance with federal law, when the individual received an increase in income.

The commission would be required, in a manner that complied with federal law, to use data matching to help enroll in SNAP eligible individuals who were receiving Medicare benefits. HHSC could seek or use private funding to contract with a public or private entity to carry out this requirement.

The bill would take effect September 1, 2021, and would apply only to an application or recertification of eligibility of a person for SNAP benefits submitted on or after January 1, 2022.